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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,119	07/15/2003	James M. Galvez	12 , 531	6859
7590	04/16/2004		EXAMINER	
William W. Haefliger Suite 512 201 So. Lake Ave. Pasadena, CA 91101			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,119	GALVEZ, JAMES M.	
Examiner	Art Unit		
Y Quach Lee	2875		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-13 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 to 13 are objected to because of the following formalities: In claim 1, the term “for supply” is improper and should be changed to --for supplying--. In claim 3, line 3, “of LEDs” is incorrect and should be changed to --between adjacent LEDs--. In claim 5, line 2, “of said LEDs” is incorrect and should be changed to --between adjacent LEDs--. In claim 13, there is no clear antecedent basis for “said body”. Claims 2, 4 and 6 to 12 depend on objected claim 1 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Madadi et al.

Madadi et al. show an elongated portable and hollow carrier (figure 1) including a housing and a longitudinally elongated window (10), multiple light emitting diodes (26) carried to emit light toward and through the window, circuitry associated with the housing to supply electrical power to the light emitting diodes, the circuitry incorporating resistor (29), capacitor (16) and diode (28) elements to reduce AC input voltage to a level or levels (column 3, lines 57 to 58) for supplying to the light emitting diodes, and the light emitting diodes spaced apart longitudinal to face toward the window.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 to 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madadi et al.

Madadi et al. disclose the invention substantially as claimed including two substantially parallel rows of the light emitting diodes, an elongated light emitting diode support such as an elongated substrate (24) supporting the light emitting diodes extending and locating within the hollow carrier which is elongated and transparent tubular body defining the window and supporting the circuitry, and a sleeve (14, 20) fitting over one end portion of the body. However, Madadi et al. do not disclose the spacing of the light emitting diodes, the number of the light emitting diodes, the plastic material of the tubular body, the location of the circuitry as claimed, and the size of the carrier. Note that the spacing of the light emitting diodes, the number of the light emitting diodes, the material of the tubular body, the location of the circuitry, and the size of the carrier would have been an obvious matter of design choice, since such a modification would have involved a change in the size, the number, the material and the shape of the component which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to space the light emitting diodes at different distances as desired to provide different lighting effects, to configure different numbers of light emitting diodes to supply different light intensities, to form different material of the tubular body to provide different covers for the light emitting diodes to suit different situations and environmental effects, to arrange the circuitry in a suitable location within the carrier for sealing the circuitry from view without obstructing the light emission while facilitating the electrical connection, and to provide different sizes of the carrier to accommodate different amount of light emitting diodes or components within the carrier.

6. Claims 1 to 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becks et al. in view of Madadi et al.

Becks et al. disclose an elongated portable hollow carrier (figure 3) including a housing and a longitudinally elongated window (6), multiple light emitting diodes (2) carried to emit light toward and through the window, circuitry associated with the housing to supply electrical power to the light emitting diodes, the light emitting diodes spaced apart longitudinally to face toward the window, the light emitting diodes arranged in two substantially parallel rows (figure 1), an elongated light emitting diode support such as an elongated substrate (5) supporting the light emitting diodes extending and locating within the carrier which is elongated and transparent

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plastic tubular body (paragraph 0014, line 1) defining the window and supporting the circuitry, a sleeve (28) fitting over one end portion of the body, and a hook (32) associated with the opposite end portion of the body. However, Becks et al. do not disclose the circuitry as claimed, the spacing of the light emitting diodes, the number of the light emitting diodes, the location of the circuitry as claimed, and the size of the carrier.

Madadi et al. teach a circuitry incorporating resistor (29), capacitor (16) and diode (28) elements to reduce AC input voltage to a level or levels (column 3, lines 57 to 58) for supplying to the light emitting diodes.

It would have been obvious to one skilled in the art provide Becks et al. with the circuitry having the resistor, capacitor and diode elements, as shown by Madadi et al., for reducing AC input voltage to a level or levels for supplying to the light emitting diodes as required by the light emitting diodes without complicated electrical circuitries.

Note that the spacing of the light emitting diodes, the number of the light emitting diodes, the location of the circuitry and the size of the carrier would have been an obvious matter of design choice, since such a modification would have involved a change in the size, the number and the shape of the component which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to space the light emitting diodes in different dimensions as desired to provide different lighting effects, to provide different numbers of light emitting diodes to supply different light intensities, to arrange the circuitry in a suitable location within the carrier for sealing the circuitry from view without obstructing the light emission while facilitating the electrical connection, and to provide different sizes of the carrier to accommodate different amount of light emitting diodes or components within the carrier.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spocharski is cited to show other pertinent light emitting diodes and elongated portable hollow carrier.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
April 8, 2004



Y Quach Lee
Patent Examiner
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